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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,117	12/05/2003	Sandra Leigh Robb	3901 CIP	3185
22474	7590	02/18/2005	EXAMINER	
DOUGHERTY, CLEMENTS & HOFER 1901 ROXBOROUGH ROAD SUITE300 CHARLOTTE, NC 28211			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,117

Applicant(s)

ROBB ET AL.

Examiner

Robert G. Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/05/2003, 06/04/2004 and on 11/26/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06042004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 4 and 31 are objected to because of the following informalities: In the second line of claims 4 and 31, the term "the" should be changed to --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8, 10-16, 24, 25, 28-33 and 35-42 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 6,272,704 to Cutler (note especially Figures 1-4; column 3, lines 57-67; and column 4, lines 1-51).
4. Claims 1-5, 10-13, 15, 16, 22-27 and 35-41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 5,366,271 to Johnston et al. (note especially Figures 1-3, 9-12 & 14; column 3, lines 34-39 & 50-68; column 4, lines 1-17 & 21-31; column 9, lines 49-54; and column 10, lines 4-50).

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5. Claims 1, 2, 10-13, 15-21, 24, 25, 35, 36, 40 and 41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 5,641,200 to Howell (note especially Figures 1-6; column 5, lines 15-67; and column 6, lines 1-58).

6. Claims 1-13, 15, 16, 22-25, 28-33 and 34-41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 3,767,259 to Blake et al. (note especially Figures 1-5; column 2, lines 7-16 & 46-56; and column 3, lines 17-23 & 45-52).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1, 2, 8, 10-13, 16, 22-25, 28, 29, 33-36, 40 and 41 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Pat. No. 6,601,916 to Kamiki (note especially Figures 22-25; column 10, lines 40-67; column 11; and column 12, lines 1-9).

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Conclusion

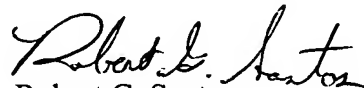
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Robb et al. '446, McClellan-Derrickson '058, Parker '198, Stoll '616, Parker '052, Zucker et al. '089, Nelson et al. '072, McClellan-Derrickson '971, James et al. '266, Hollett et al. '544, Kamiki '163, Stoll '242, Boskovich et al. '228, Kamiki '085, Nelson et al. '214, Vila et al. '060, Furnback '856, Stoll '251, Madole '624, Willard, Sr. et al. '445, Franco-Vila et al. '662, McGowan '471, Ive '487, Franchak '744, Brookman '787, Kvalvik '465, Nogues '011, Kvalvik '630, Frazier '969, Tam et al. '380, Rundle et al. '699, Medeiros, Jr. et al. '590, Smith et al. '860, Williams et al. '092, Noonan '478, Wang '154, Allum '121, Sheridan et al. '968, Artz '176, Medeiros, Jr. '641, Stang '185, Leggett '337, Cone '523, Cone '132, Cone et al. '004, Solano '533, Cone '307, Oswalt et al. '630, Alexander et al. '210, Young '364, Husnik '588, Houllis '502, Sckolnik '125, Nakao et al. '133, Converse '341, Ettridge '877, Salzman '695, Jones-Steele '063, Pugh '809, Salzman '489, Rocker et al. '490, Lerner '680, Spies '434, Schutz '297, Doering '750, Stephenson '294, Rocker '584, Benoit '371, Pambello '637, Murphy '998, Davis '350, Hlivka '183, Szabo '561, Olson '822, Abraham '953 and Abraham '952.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
February 14, 2005